

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GORDON ROY PARKER,	:	
	:	CIVIL ACTION NO. 02-cv-567
Plaintiff,	:	
	:	
v.	:	
	:	
UNIVERSITY OF PENNSYLVANIA,	:	
et al.,	:	
	:	
Defendants.	:	
	:	
	:	

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon consideration of Penn's Response In Opposition to Plaintiff's Motion for Relief from Civil Judgment Pursuant to Rule 60 (b)(6), it is hereby ORDERED that said Motion for Relief is DENIED.

BY THE COURT:

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Anita B. Brody, J.



Second, Burlington would provide Parker no relief. There, the Supreme Court held, in essence, that an adverse employment action (i.e. retaliation) is not confined to employment or the workplace. Id. at \*26. In reaching the decision to grant Penn summary judgment, this Court considered all of Parker's alleged retaliatory motives and, in fact, found that Parker had met the *prima facie* threshold. Parker, however, failed to prove pretext – an issue not before the Supreme Court in Burlington. See, August 13, 2004 Explanation and Order, pp. 6-7, attached as Exhibit "A."

Nothing in Burlington changes the decision reached by this Court, and Parker never offered any evidence that his failure to be hired was based on factors other than his failure to apply for a job.

For the above reasons, Parker's Motion for Relief must be denied.

Respectfully submitted,

Dated: July 19, 2006

/s/Dennis G. Young, Jr.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of the foregoing Penn's Response In Opposition to Plaintiff's Motion for Relief by electronic filing, e-mail and/or first class mail, postage prepaid, upon the following:

Gordon Roy Parker  
4247 Locust Street, #806  
Philadelphia, PA 19104  
*Pro Se Plaintiff*

Dated: July 19, 2006

/s/Dennis G. Young, Jr.  
Dennis G. Young, Jr.